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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/676,615 | 10/01/2003 | Toby Holden | WDO 34980 | 7939 |
| 116 | 7590 | 06/08/2005 | EXAMINER | |
| PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | JOHNSON, BLAIR M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,615

Applicant(s)

HOLDEN ET AL.

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

8.0.0

Specification

The disclosure is objected to because of the following informalities: Paragraph 41 has been amended to reference joint assembly 7B. However, it is believed that the joint should be referenced as 7A' (Fig. 4B).

Claim Rejections - 35 USC § 112

Claims 10-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. An embodiment wherein the joint assembly is between the ends of the arms is not adequately disclosed.

Claim Rejections - 35 USC § 102

Claim 27 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Girard et al.

See roll-up tube 22 and motor 50 inserted therein, canopy rod 28 and spring biased arms 40,42, (column 3, lines 14-15).

Claim Rejections - 35 USC § 103

Claims 1-26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al in view of Hsu.

See the discussion of Girard et al above. What is not shown is the solar panel. However, Hsu discloses an roller blind that does utilize a solar panel and rechargeable

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battery 62. It would have been obvious to modify Girard et al to have a solar power system as taught by Hsu to eliminate the need for wiring.

The solar panel and arms are mounted on the wall via wall mounting assembly, or housing structure, 30 of Girard et al. Further, the designation of one end of the canopy being "inner" and one being "outer" is broad and does not limit one end of the canopy as being nearer the building than the other.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al in view of either Bresson or Carillo et al.

Bresson discloses a motor 5 inserted in a roller tube 12, such tube having projections in the form of teeth 12a. Drive shaft 6a is fixed to a disc 15 which has notches corresponding to the teeth 12a so as to form a positive engagement therewith. While the connection of the motor within the roller in Girard et al is not disclosed, clearly it translates movement from the motor shaft to the roller. Carillo et al also provides a connection between the roller tube 3 and motor 24 in the form of disc 21. It would have been obvious to use either the Bresson or Carillo et al connection as discussed so as to provide a positive connection which does not require fasteners.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al in view of Chen.

While Girard et al discloses spring biased arms, the type of spring is not known. Chen discloses well known torsion springs, unnumbered, in joint 61, which bias the arms to a deployed position. It would have been an obvious substitution of parts to

replace the springs in Girard et al, if such springs were not contemplated by Girard et al, with those of Chen.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al in view of Voss.

While Girard et al discloses spring biased arms, the type of spring is not known. Voss discloses well known "linear" springs, Fig. 2A, which bias the arms to a deployed position. It would have been an obvious substitution of parts to replace the springs in Girard et al, if such springs were not contemplated by Girard et al, with those of Voss.

Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al in view of Hsu as applied above, and further in view of either Bresson or Carillo et al.

Bresson and Carillo et al are applied here as above.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. The claims have been substantially amended so as to necessitate changing of the rejection. Consequently, many of the arguments are moot in light of the new grounds of rejection.

Regarding the alleged nonanalogousness of Hsu and Girard et al, it is maintained that these references are in a related art of roller mounted, motor operated, devices and that the use of one as an awning covering and the other as window covering does not separate them in the art. Regardless, or additionally, it is appropriate to go to an unrelated art for a teaching if it accomplishes the same objective in the same manner as

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proposed by the inventor. In this case, if Hsu is considered out of the field of endeavor of Girard et al, going to Hsu to find a solar powered system so as to eliminate the need for conventional power means is precisely what motivated Applicant and therefore, it would have been obvious to search any art for such a structure for such a purpose.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

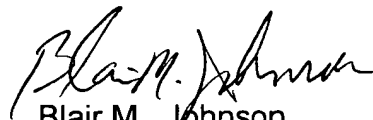
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
6/6/05